But I am only this, a poor
Pale promise of a rose, you see, —
No queen as yet with largess sweet,
And only one has smiled on me.

To the dear faith that guesses at
The rose I yield, nor can withstand;
Each folded grace its summer finds
In the warm hollow of thy hand.

Annie R. Annan.

A CENTURY OF CONGRESS.

We have seen the close of our memorial year, during which societies, the States, and the nation have been reviewing the completed century and forecasting the character of that which has just begun.

Our people have been tracing the footprints of the fathers along the many paths which united to form the great highway whereon forty-four millions of Americans are now marching. If we would profit by the great lessons of the centennial year, we must study thoughtfully and reverently the elements and forces that have made the republic what it is, and which will in a great measure shape and direct its future.

No study of these themes can lead to a just view of our institutions which does not include within its range a survey of the history and functions of

THE AMERICAN CONGRESS.

Indeed, the history of liberty and union in this country, as developed by the men of 1776 and maintained by their successors, is inseparably connected with the history of the national legislature. Nor can they be separated in the future. The Union and the Congress must share the same fate. They must rise or fall together.

The germ of our political institutions, the primary cell from which they were evolved, was the New England town; and the vital force, the informing soul, of the town was the town-meeting, which for all local concerns was king, lords, and commons in one. It was the training-school in which our fathers learned the science and the art of self-government, the school which has made us the most parliamentary people on the globe.

In what other quarter of the world could such a phenomenon have been witnessed as the creation of the state government of California, in 1849, when out of the most heterogeneous and discordant elements a constitution and body of laws were framed and adopted which challenge comparison with those of the oldest governments in the world? This achievement was due to the law-making habit of Americans. The spirit of the town-meeting guided the colonies in their aspirations for independence, and finally created the Union. The Congress of the Union is the most general and comprehensive expression of this legislative habit of our people.

The materials for tracing the origin of Congress are scanty; but they are sufficient to show the spirit which gave it birth.

The idea of a congress on this continent sprang from the necessity of union among the colonies for mutual protection; and the desire for union logically expressed itself in an intercolonial representative assembly. Every such as-

sembly in America has been a more or less marked symbol of union.

AMERICAN UNION.

The first decisive act of union among the colonists was the convention of 1690, at New York. The revolution of 1689, in England, resulted in immediate and desperate war between that country and France, and soon involved the British and French colonies of America. The French of Canada, aided by the northern Indians, determined to carry the flag of Louis XIV. down the valley of the Hudson, and thus break in twain the British colonies. To meet this danger and to retaliate upon France, the General Court of Massachusetts, ever watchful of the welfare of its people, addressed letters of invitation to the neighboring colonies, asking them to appoint commissioners to meet and consult for the common defense. These commissioners met in convention, at New York, on the 1st of May, 1690, and determined to raise an "army" of eight hundred and fifty-five men, from the five colonies of New York, Massachusetts, Connecticut, Plymouth, and Maryland, to repel the threatened invasion and to capture Canada in the name of William and Mary.[1] Some of our historians have called this meeting of commissioners "the first American Congress." I find no evidence that the name "Congress" was then applied to that assembly; though it is doubtless true that its organization and mode of procedure contained the germ of the future Congress.

The New York convention called upon each of the five colonies for its quota of troops for the little army, and intrusted the management of the campaign to a board or council of war consisting of one officer from each colony. The several quotas were proportioned to the population of the several colonies, while the great and small colonies had an equal voice in directing the expedition. Here, in embryo, was the duplex system of popular and state representation.

[1] Doc. History of New York, vol. ii., page 239, and Bancroft's History, vol. iii., page 183.

THE FIRST AMERICAN CONGRESS.

Sixty-four years later, a convention of commissioners from seven of the colonies met at Albany and called themselves a "Congress." So far as I have been able to discover, this was the first American assembly which called itself by that name. It was probably adopted because the convention bore some resemblance to that species of European international convention which in the language of diplomacy was called a congress.

In order to obtain a clearer view of this important Albany Congress of 1754, we must understand the events which immediately preceded it.

In 1748, in obedience to orders from England, the governors of the northern colonies met at Albany to conclude a treaty of peace with the Six-Nations. After this was accomplished, the governors, sitting in secret council, united in a complaint that their salaries were not promptly and regularly paid, but that the colonial legislatures insisted upon the right to determine, by annual appropriations, the amounts to be paid.

This petition, forwarded to the dissolute Duke of Bedford, then at the head of the colonial administration, was answered by a royal order directing the governors to demand from the colonial legislatures the payment of fixed salaries for a term of years, and threatening that if this were not done, Parliament would impose upon the colonies a direct tax for that purpose. Thus the first overt act which led to the Revolution was a demand for higher salaries; and, on the motion of the colonial governors at Albany, the British Board of Trade opened the debate in favor of parliamentary supremacy. Six years later came the reply from seven colonies through the Albany Congress of 1754.

War with France was again imminent. Her battalions had descended the Ohio, and were threatening the northern frontier. The colonial governors called upon the legislatures to send commissioners to Albany to secure the alliance of the Six-Nations against the French, and to adopt measures for the common defense.

On the 19th of June, 1754, twenty-five commissioners met at the little village of Albany, and, following the example of the governors who met there six years before, completed their treaty with the Indians, and then opened the question of a colonial union for common defense.

Foremost among the commissioners was Benjamin Franklin; and through his voice and pen the Congress and the colonies replied to the demands of England by proposing a plan of union to be founded upon the rights of the colonies as Englishmen. If his plan had been adopted, independence might have been delayed for half a century. Curiously enough, it was rejected by the colonies as having "too much of the prerogative in it," and by England as having "too much of the democratic."

But the talismanic words "Union" and "Congress" had been spoken, and from that hour were never forgotten. The argument for colonial rights had also been stated in the perfect style of Franklin, and was never to be answered.

THE CONGRESS OF 1765.

The second assembly which called itself a Congress met at New York, in 1765. The mercantile policy of England, embodied in the long series of navigation acts, had finally culminated in Lord Grenville's stamp act and the general assertion of the right of Parliament to tax the colonies in all cases whatsoever. Again Massachusetts led the movement for union and resistance. On the 6th of June, 1765, her legislature adopted a resolution, offered by James Otis, to call a congress of delegates of the thirteen colonies, "to consult together" and "consider of a united representation to implore relief." This call was answered by every colony; and on the 7th of October, 1765, twenty-seven delegates met at New York, and elected Timothy Ruggles, of Massachusetts, chairman.

There for the first time James Otis saw John Dickinson; there Gadsden and Rutledge sat beside Livingston and Dyer; there the brightest minds of America joined in the discussion of their common danger and common rights. The session lasted eighteen days. Its deliberations were most solemn and momentous. Loyalty to the crown and a shrinking dread of opposing established authority were met by the fiery spirit which glowed in the breasts of the boldest thinkers. Amidst the doubt and hesitation of the hour, John Adams gave voice to the logic and spirit of the crisis when he said: "You have rights antecedent to all earthly governments; rights that cannot be repealed or restrained by human laws; rights derived from the great Lawgiver of the universe."

Before adjourning they drafted and adopted a series of masterly addresses to the king, to the Parliament, to the people of England, and to their brethren of the colonies. They had formulated the thoughts of the people, and given voice to their aspirations for liberty. That Congress was indeed "the day-star of the Revolution;" for though most of its members were devotedly loyal to the crown, yet, as Bancroft has said, some, like James Otis, as they went away from that Congress, "seemed to hear the prophetic song of the sibyls chanting the spring-time of a new empire."

THE CONTINENTAL CONGRESS OF 1774.

Nine more years of supplication and neglect, of ministerial madness and stubborn colonial resistance, bring us to the early autumn of 1774, when the Continental Congress was assembling at Philadelphia. This time, the alarm had been sounded by New York that a sister colony was being strangled by the heavy hand of a despotic ministry. The response was immediate and almost unanimous. From eleven colonies came the foremost spirits to take counsel for the common weal. From the assaulted colony came Samuel and John Adams, Cushing and Paine. They set out from Boston in August, escorted by great numbers as far as Watertown. Their journey was a solemn and triumphant march. The men of Hartford met them

with pledges to "abide by the resolves which Congress might adopt," and accompanied them to Middletown with carriages and a cavalcade. The bells of New Haven welcomed them, and Roger Sherman addressed them. After visiting the grave of the regicide Bidwell, they left New Haven to be received at New York by the "Sons of Liberty," who attended them across the Hudson. Everywhere they were exhorted to be true to the honor of England and the liberties of America.[1]

With them, from New York and New England, came Jay and Livingston, Sherman and Deane, Hopkins and Duane. From the south came Washington and Henry, Randolph and Lee, Gadsden and Rutledge, and many other names now familiar; in all fifty-five men, sent by eleven colonies.

On Monday, the 5th of September, 1774, they met at Smith's Tavern, in Philadelphia, and proceeded in a body to the Hall of the Carpenters. With what dignity and solemnity they began their work! Choosing for president Peyton Randolph, of Virginia, and for secretary the gentle and learned Charles Thomson, the translator of the Septuagint and the Greek Testament, they formally declared themselves "the Congress," and their chairman "the President." And how soon the spirit of union, in the presence of a common danger, began to melt down the sharp differences of individual opinion!

The first psalm and prayer to which that Congress listened sounded like a chapter of history and prophecy combined. The psalm was not selected for the occasion, but was a part of the regular Episcopal service for that day, the 7th of the month: "Plead thou my cause, O Lord, with them that strive with me, and fight thou against them that fight against me. Lay hand upon the shield and buckler, and stand up to help me. Bring forth the spear, and stop the way against them that persecute me. Let them be turned back and brought to confusion that imagine mischief for me. Let them be as the dust before the wind, and let the angel of the Lord scatter them." When the minister had ended the formal service, the spirit of the occasion burst forth from his lips in these memorable words of prayer: "Look down upon these American States who have fled to thee from the rod of the oppressor, and have thrown themselves on thy precious protection, desiring to be henceforth dependent only on thee; to thee they have appealed for the righteousness of their cause."

What would we not give for a complete record of the proceedings of that Congress! It sat with closed doors, with no reporters, and made no official record except the brief journal of motions and votes. To this journal, to private letters, and tradition, we are indebted for all we know of its proceedings.

The delegates were clothed with no legislative powers. They could only consult and recommend. But they held higher commissions than any which can be embodied in formal credentials. It was their high duty to formulate the thoughts and express the aspirations of the New World. Yet no organized body of men ever directed with more absolute sway the opinions and conduct of a nation.

As a reply to the Boston Port Bill, they requested all merchants and traders to send to Great Britain for no more goods until the sense of the Congress should be taken on the means for preserving the liberties of America. And this request was at once complied with. Knowing that the conduct of England was inspired by greed, that she had adopted the shop-keepers' policy, Congress resolved that, after a given date, the colonies would not buy from England nor sell to her merchants any commodity whatever, unless before that date the grievances of America should be redressed. And public sentiment rigidly enforced the resolution. With more distinctness and solemnity than ever before, the cause of the colonists, based on the inalienable laws of nature and the principles of the English constitution, was declared in addresses to the king, to the Parliament, and to the people of Amer-

[1] Bancroft, vol. vii., chaps. viii., ix.

ica; and, recommending that a new Congress be called the following spring, the Congress of 1774 adjourned, without day, on the 14th of October. The most striking fact connected with that Congress is that its resolutions were obeyed as though they had been clothed with all the sanctions of law. I doubt whether any law of Congress or of any state legislature has been so fully obeyed, in letter and spirit, as were the recommendations of the Continental Congress of 1774. But its action had been far from unanimous. There were strong men, like Jay, who were conservative by nature and culture, and who restrained the more fiery enthusiasm of Henry and Adams; there were timid members who shrank from a contest with the royal authority; and there were traitors to the cause, who, like Galloway, secured a seat that they might more effectively serve the king as a royal spy.

The resolves of that Congress and its address to the colonies were potent educating forces which prepared the people for a great struggle.

Franklin was in England at that time, as the agent of the colonies, and presented the petitions of Congress. Parliament answered by declaring Massachusetts in rebellion. The king replied by sending an army to Boston and by offering to protect all loyal Americans, but ordering all others to be treated as traitors and rebels.

THE CONGRESS OF THE REVOLUTION AND OF THE CONFEDERATION.

On the 10th of May, 1775, on the morning of the capture of Ticonderoga by Ethan Allen, the second Continental Congress assembled at Philadelphia. The conduct of the king and Parliament, and the events at Boston, Lexington, and Concord, had already demonstrated the impossibility of reconciliation. It is difficult to imagine a situation more perplexing and more perilous than that which confronted the fifty-four members of the Congress of 1775. Their jurisdiction and powers were vague and uncertain; they were in fact only committees from twelve colonies, deputed to consult upon measures of conciliation, but with no means of resistance to oppression beyond the voluntary agreement to suspend importations from Great Britain. "They formed no confederacy. They were not an executive government. They were not even a legislative body. They owed the use of a hall for their sessions to the courtesy of the carpenters of the city; there was not a foot of land on which they had a right to execute their decisions, and they had not one civil officer to carry out their commands, nor the power to appoint one." They had no army, no treasury, no authority to tax, no right but to give counsel. "They represented only the unformed opinion of an unformed people."

Yet that body was to undertake the great argument of reason with the foremost statesmen of Europe, and the greater argument of war with the first military power of the world. That Congress was to consolidate the vast and varied interests of a continent, express the will and opinion of three millions of people, and, amid the wreck and chaos of ruined colonial governments, rear the solid superstructure of a great republic. Strange as it now seems to us, timidity and conservatism controlled its action for nearly a year. The tie of affection that bound the colonists to England was too strong to be rudely severed. They deluded themselves by believing that while the tory party was their enemy, England was still their friend. Though their petition had been spurned with contempt, yet they postponed the most pressing necessities of the time in order to send a second humble petition and await an answer. After all, this delay was wise: the slow process of growth was going forward and could not be hastened. It was necessary that all thoughtful men should see the hopelessness of reconciliation. It was necessary that the Dickinsons and the Jays should be satisfied. In the mean time, Congress was not idle: it was laying the foundation of the structure soon to be reared. In its proceedings, we find the origin of many customs which still prevail. On the 15th of May, 1775, it was

ordered "that this body will to-morrow resolve itself into a committee of the whole, to take into consideration the state of America." This formula, modified only by the change of a single word, still describes the act by which each branch of our Congress resolves itself into "a committee of the whole on the state of the Union."

On the 31st of May, 1775, on motion of Dr. Franklin, a committee was appointed to provide for "establishing post for conveying letters and intelligence through the continent." Franklin was made chairman of the committee, and thus became, in fact, the first postmaster-general of the United States.

By resolution of June 14, 1775, Washington was made the chairman of our first committee on military affairs.

On the 27th of May, 1775, it was resolved that Mr. Washington, Mr. Schuyler, Mr. Mifflin, Mr. Deane, and Mr. Samuel Adams be a committee to consider of ways and means to supply these colonies with ammunition and military stores. Thus Washington was the chairman of our first committee of ways and means.

While Congress was waiting for the king's answer to its second petition, Franklin revived the "plan of union" which he had suggested twenty-one years before, at the Albany Congress, and which finally, with a few changes, became the Articles of Confederation.

It was not until the spring of 1776 that the action of the British government destroyed all hopes of reconciliation; and when, at last, the great declaration was adopted, both the colonies and the Congress saw that their only safety lay in the boldest measures. By the Declaration of Independence, the sovereignty of the colonies was withdrawn from the British crown and lodged in the Continental Congress. No one of the colonies was ever independent or sovereign. No one colony declared itself independent of Great Britain; nor was the declaration made by all the colonies together *as colonies*.[1] It was made in the name and by the authority of the good people of the colonies as one nation. By that act they created not independent States, but an independent nation, and named it "The United States of America;" and, by the consent of the people, the sovereignty of the new nation was lodged in the Continental Congress. This is true, not only in point of law, but as a historical fact. The Congress became the only legislative, executive, and judicial power of the nation; the army became the army of the Continental Congress. One of its regiments, which was recruited from the nation generally, was called "Congress's Own," as a sort of reply to the "King's Own," a royal regiment stationed at Boston. Officers were commissioned by Congress, and were sworn to obey its orders. The president of Congress was the chief executive officer of the nation. The chairmen of committees were heads of the executive departments. A committee sat as judges in admiralty and prize cases. The power of Congress was unlimited by any law or regulation, except the consent of the people themselves.

On the first day of March, 1781, the Articles of Confederation, drafted by Congress, became the law of the land. But the functions of Congress were so slightly changed that we may say, with almost literal truth, that the Continental Congress which met on the 10th of May, 1775, continued unchanged in its character, and held an almost continuous session for thirteen years.

"History knows few bodies so remarkable. The Long Parliament of Charles I. and the French National Assembly of the last century are alone to be compared with it." Strange as it may appear, the acts of the Continental Congress which finally brought most disaster to the people were those which gave to Congress its chief power. With no authority to levy direct taxes, Congress had but one resource for raising revenue: forced loans, in the form of bills of credit. And, so long as the Continental money maintained a reasonable share of credit, Congress was powerful. It was able to pay its army, its officers, and its agents, and

[1] Von Holst's Constitutional History of the United States, page 6.

thus to tide over the most difficult period of the Revolution.

Great and conspicuous as were the services of the Continental Congress, it did not escape the fate which has pursued its successors. Jealousy of its power was manifested in a thousand ways; and the epithet "King Cong" was the by-word of reproach during the latter half of the war. The people could not hear with patience that the members of Congress were living in comfort while the soldiers were starving and freezing at Valley Forge. They accused Congress of weakness, indecision, and delay; of withholding its full confidence from Washington; and finally of plotting to supersede him by assigning an ambitious rival to his place. It is no doubt true that some intriguing members favored this disgraceful and treacherous design; but they would not have been representative men if all had been patriots and sages.

The Continental Congress was a migratory body, compelled sometimes to retire before the advance of the British army, and sometimes to escape the violence of the mob who assaulted its doors and demanded appropriations. Beginning its session in Philadelphia, it took refuge in Baltimore before the end of 1776. Later, it returned to Philadelphia; went thence to Lancaster; thence to York; then again to Philadelphia; thence, in succession, to Princeton, to Annapolis, and to Trenton; and finally terminated its career in the city of New York.

The estimation in which that Congress was held is the best gauge by which to judge of the strength and weakness of our government under the confederation. While the inspiration of the war fired the hearts of the people, Congress was powerful; but when the victory was won, and the long arrears of debts and claims came up for payment, the power of Congress began to wane. Smitten with the curse of poverty and the greater curse of depreciated paper money, loaded with debts they could not pay, living as "pensioners on the bounty of France, insulted and scouted at by the public creditors, unable to fulfill the treaties they had made, bearded and encroached upon by the state authorities, finally begging for additional authority which the States refused to grant, thrown more and more into the shade by the very contrast of former power, the Continental Congress sank fast into decrepitude and contempt." [1]

During the last three or four years of its existence, few men of first-class abilities were willing to serve as members; it was difficult to secure the attendance of those who were elected; and when a quorum was obtained, it was impossible, under the articles of confederation, to accomplish any worthy work. Even after the adoption of the new constitution, the old Congress was so feeble that for many months it was doubtful whether it had enough vitality left to pass the necessary ordinance appointing the day for the presidential election and the day for putting the new government in motion.

With a narrowness and selfishness almost incredible, the old Congress wrangled and debated and disagreed for weeks and months before they could determine where the new government should find its temporary seat.

It is sad to reflect that a body whose early record was so glorious should be doomed to drag out a feeble existence for many months, and expire at last without a sign, with not even the power to announce its own dissolution.

I have always regarded our national constitution as the most remarkable achievement in the history of legislation. As the weakness of the old confederation became more apparent, the power of the separate States became greater, and the difficultics of union were correspondingly increased. It needed all the appreciation of common danger, springing from such popular tumults as Shay's Rebellion, all the foreign complications that grew out of the weakness of the confederation, and, finally, all the authority of the fathers of the Revolution, with Washington at their head, to frame the constitution and to secure its adoption.

[1] Hildreth, vol. iii., page 547.

We are apt to forget how near our government was brought to the verge of chaos, and to forget by how small a vote the constitution was adopted in many of the States. Only in Delaware, New Jersey, and Georgia was the vote unanimous. Even Massachusetts gave it but a majority of nineteen out of a vote of three hundred and fifty-six. In Virginia it received but ten majority, in New Hampshire eleven, and in Pennsylvania twenty-three. These votes disclose the strength of the political parties, federal and anti-federal, to which the constitution gave birth. This brings us to

THE CONGRESS OF THE CONSTITUTION,

which began its first session at New York on the 4th of March, 1789.

Fears were entertained that some of the States might neglect or refuse to elect senators and representatives. Three States had hitherto refused to adopt the constitution. More than a month passed before a quorum of the senate and house appeared in New York; but on the 6th of April, 1789, a quorum of both houses met in joint session and witnessed the opening and counting of the votes for president and vice-president by John Langdon. Having dispatched the venerable Charles Thomson, late secretary of the old Congress, to Mount Vernon to inform Washington of his election, the new Congress addressed itself to the great work required by the constitution. The three sessions of the first Congress lasted in the aggregate five hundred and nineteen days, exceeding by more than fifty days the sessions of any subsequent Congress. It was the high duty of this body to interpret the powers conferred upon it by the constitution, and to put in motion not only the machinery of the senate and house, but the more complex machinery of the executive and judicial departments.

It is worth while to observe with what largeness of comprehension and minuteness of detail the members of that Congress studied the problems before them. While Washington was making his way from Mount Vernon to New York, they were determining with what ceremonials he should be received, and with what formalities the intercourse between the president and the Congress should be conducted. A joint committee of both houses met him on the Jersey shore, in a richly furnished barge, and, landing at the Battery, escorted him to the residence which Congress had prepared and furnished for his reception. Then came the question of the title by which he should be addressed. The senate insisted that "a decent respect for the opinion and practice of civilized nations required a special title," and proposed that the president should be addressed as "his highness, the president of the United States of America, and protector of their liberties." At the earnest remonstrance of the more republican house, the senate gave way, and finally agreed that he should be addressed simply as "the president of the United States."

It was determined that the president should, in person, deliver his "annual speech," as it was then called, to the two houses in joint session; and that each house should adopt an address in reply, to be delivered to the president at his official residence.

These formalities were manifestly borrowed from the practice of the British Parliament, and were maintained until near the close of Jefferson's administration.

Communications from the executive departments were also to be made to the two houses by the heads of those departments in person. This custom was unfortunately swept away by the republican reaction which set in a few years later.

Among questions of ceremony were also the rules by which the president should regulate his social relations to citizens. Washington addressed a long letter of inquiry to John Adams, and to several other leading statesmen of that time, asking their advice on this subject. The inquiry resulted in the conclusion that the president should be under no obligation to make or return any social call; but regular days were appointed,

on which the president should hold levees and thus maintain social intercourse with his fellow-citizens. At these assemblages the president and Mrs. Washington occupied an elevated dais, and introductory ceremonies of obeisance and salutation were carefully prescribed.

Not less curious, as indicating the spirit of that time, were the formalities of intercourse between the two branches of Congress. When a communication was sent from one house to the other, the messenger was required to make his obeisance as he entered the bar, a second as he delivered his message to the presiding officer, a third after its delivery, and a final obeisance as he retired from the hall. It was much debated whether the members of each house should remain standing while a communication was being delivered from the other. These formalities were subsequently much abridged, though traces of them still remain.

In adopting its rules of procedure, the house provided, among other things, that the sergeant-at-arms should procure a proper symbol of his office, of such form and device as the speaker should direct, to be placed *on* the table during the sitting of the house, but *under* the table when the house is in committee of the whole; said symbol to be borne by the sergeant-at-arms when executing the commands of the house during its sitting. This symbol, now called the speaker's mace, modeled after the Roman *fasces*, is a bundle of ebony rods, fastened with silver bands, having at its top a silver globe surmounted by a silver eagle. In the red-republican period of Jefferson's administration, an attempt was made to banish the mace; and a zealous economist in the House of Representatives proposed to melt down and coin its silver, and convert the proceeds into the treasury. The motion failed, however, and the mace still holds its place at the right hand of the speaker, when the house is in session.

The house conducted its proceedings with open doors; but the senate, following the example of the Continental Congress, held all sessions in secret until near the end of the second Congress. Since then, its doors have been closed during executive sessions only.

It is greatly to the credit of the eminent men who sat in the first Congress that they deliberated long and carefully before they completed any work of legislation. They had been in session four months when their first bill, "relating to the time and manner of administering certain oaths," became a law. Then followed in quick succession the great statutes of the session: to provide a revenue to fill the empty treasury of the nation; to create the department of the treasury, the department of foreign affairs, the department of war; to create an army; to regulate commerce; to establish the government of our vast territory; and, that monument of juridical learning, the act to establish the judiciary of the United States.

I must not omit from this summary the ninth statute in the order of time, the "act for the establishment and support of light-houses, beacons, buoys, and public piers." As an example of broad-minded statesmanship on the subject, that statute stands alone in the legislative history of the last century. Everywhere else the commerce of the ocean was annoyed and obstructed by unjust and vexatious light-house charges. But our first Congress, in a brief statute of four sections, provided "that from the 15th day of August, 1789, all the light-houses, beacons, buoys, and public piers of the United States shall be maintained at the expense of the national treasury." From that date the lights of our coast have shone free as the sunlight for all the ships of the world.

Great as were the merits of that first Congress, it was not free from many of the blemishes which have clouded the fame of its successors. It dampens not a little our enthusiasm for the "superior virtues of the fathers" to learn that Hamilton's monument of statesmanship, the funding bill, which gave life to the public credit and saved from dishonor the war debts of the States, was for a time hopelessly defeated by the votes of one section of the Union, and was car-

ried at last by a legislative bargain, which in the mildest slang of our day would be called a "log-rolling job." The bill fixing the permanent seat of the government on the banks of the Potomac was the argument which turned the scale and carried the funding bill. The bargain carried them both through. Nor were demagogues of the smaller type unknown among our fathers. For example, when a joint resolution was pending in the house of the first Congress to supply each member at the public expense with copies of all the newspapers published in New York, an amendment was offered to restrict the supply to one paper for each member, the preamble declaring that this appropriation was made "because newspapers, being highly beneficial in disseminating useful knowledge, are deserving of public encouragement by Congress." That is, the appropriation was not to be made for the benefit of members, but to aid and encourage the press! The proprietors of our great dailies would smile at this patriotic regard for their prosperity. It is scarcely necessary to add that the original resolution passed without the amendment.

Whatever opinions we may now entertain of the federalists as a party, it is unquestionably true that we are indebted to them for the strong points of the constitution, and for the stable government they founded and strengthened during the administrations of Washington and Adams. Hardly a month passed, during that period, in which threats of disunion were not made with more or less vehemence and emphasis. But the foundations of national union and prosperity had been so wisely and deeply laid that succeeding revolutions of public opinion failed to destroy them.

With the administration of Jefferson came the reaction against the formal customs and stately manners of the founders. That skillful and accomplished leader of men, who had planted the germ of secession in the resolutions of 1798, brought to his administration the aid of those simple, democratic manners which were so effectual in deepening the false impression that the preceding administration had sought to establish a monarchy.

In delivering his inaugural, Jefferson appeared before Congress in the plainest attire. Discarding the plush breeches, silk stockings, and silver knee-buckles, he wore plain pantaloons; and his republican admirers noted the fact that no aristocratic shoe-buckles covered his instep, but his plain American shoes were fastened with honest leather strings. The carriage and footmen, with outriders in livery, disappeared; and the spectacle of the president on horseback was hailed as the certain sign of republican equality. These changes were noted by his admirers as striking proofs of his democratic spirit; but they did not escape the equally extravagant and absurd criticism of his enemies. Mr. Goodrich has preserved an anecdote which illustrates the absurdity of both parties. Near the close of Jefferson's term, the congressional caucus had named Mr. Madison for the president. The leading barber of Washington (who was of course a federalist), while shaving a federalist senator, vehemently burst out in this strain: "Surely this country is doomed to disgrace and shame. What presidents we might have, sir! Just look at Daggett, of Connecticut, and Stockton, of New Jersey! What queues they have got, sir,—as big as your wrist, and powdered every day, sir, like real gentlemen as they are. Such men, sir, would confer dignity upon the chief magistracy; but this little Jim Madison, with a queue no bigger than a pipe-stem! Sir, it is enough to make a man forswear his country!"

Many customs of that early time have been preserved to our own day. In the crypt constructed under the dome of the Capitol, as the resting-place for the remains of Washington, a guard was stationed, and a light was kept burning for more than half a century. Indeed, the office of keeper of the crypt was not abolished until after the late war.

For the convenience of one of the early speakers of the house, an urn filled with snuff was fastened to the speaker's desk; and until last year, I have never known

it to be empty during the sessions of the house.

The administration of Madison, notwithstanding the gloomy prediction of the federalist barber, restored some of the earlier customs. It had been hinted that a carriage was more necessary to him than to the widower Jefferson. Assisted by his beautiful and accomplished wife, he resumed the presidential levees; and many society people regretted that the elevated dais was not restored, to aid in setting off the small stature of Mr. Madison.

The limits of this article will not allow me to notice the changes of manners and methods in Congress since the administration of the elder Adams. Such a review would bring before us many striking characters and many stirring scenes. We should find the rage of party spirit pursuing Washington to his voluntary retreat at Mount Vernon at the close of his term, and denouncing him as the corrupt and wicked destroyer of his country. We should find the same spirit publicly denouncing a chief-justice of the United States as a "driveler and a fool," and impeaching, at the bar of the senate, an eminent associate justice of the supreme court for having manfully and courageously discharged the high duties of his office in defiance of the party passions of the hour. We should see the pure and patriotic Oliver Wolcott, the secretary of the treasury, falsely charged, by a committee of Congress, with corruption in office and with the monstrous crime of having set on fire the public buildings for the purpose of destroying the evidences of his guilt. We should see the two houses in joint session witnessing the opening of the returns of the electoral colleges and the declaration of a tie vote between Thomas Jefferson and Aaron Burr; and then in the midst of the fiercest excitement we should see the House of Representatives in continuous session for eight days, several members in the last stages of illness being brought in on beds and attended by their wives, while the ballotings went on which resulted in Jefferson's election. And we should witness a similar scene, twenty-four years later, when the election of the younger Adams, by the house, avenged in part the wrong of his father.

In the long line of those who have occupied seats in Congress, we should see, here and there, rising above the undistinguished mass, the figures of those great men whose lives and labors have made their country illustrious, and whose influence upon its destiny will be felt for ages to come. We should see that group of great statesmen whom the last war with England brought to public notice, among whom were Ames and Randolph, Clay and Webster, Calhoun and Benton, Wright and Prentiss, making their era famous by their statesmanship, and creating and destroying political parties by their fierce antagonisms. We should see the folly and barbarism of the so-called code of honor destroying noble men in the fatal meadow of Bladensburg. We should see the spirit of liberty awaking the conscience of the nation to the sin and danger of slavery, whose advocates had inherited and kept alive the old anarchic spirit of disunion. We should trace the progress of that great struggle from the days when John Quincy Adams stood in the House of Representatives, like a lion at bay, defending the sacred right of petition; when, after his death, Joshua R. Giddings continued the good fight, standing at his post for twenty years, his white locks, like the plume of Henry of Navarre, always showing where the battle for freedom raged most fiercely; when his small band in Congress, reinforced by Hale and Sumner, Wade and Chase, Lovejoy and Stevens, continued the struggle amid the most turbulent scenes; when daggers were brandished and pistols were drawn in the halls of Congress; and later, when, one by one, the senators and representatives of eleven States, breathing defiance and uttering maledictions upon the Union, resigned their seats and left the Capitol to take up arms against their country. We should see the Congress of a people long unused to war, when confronted by a supreme danger, raising, equipping, and supporting an army greater than all the armies of Napoleon and Wellington combined;

meeting the most difficult questions of international and constitutional law; and, by new forms of taxation, raising a revenue which, in one year of the war, amounted to more than all the national taxes collected during the first half century of the government. We should see them so amending the constitution as to strengthen the safeguards of the Union and insure universal liberty and universal suffrage, and restoring to their places in the Union the eleven States whose governments, founded on secession, fell into instant ruin when the Rebellion collapsed; and we should see them, even when the danger of destruction seemed greatest, voting the largest sum of money ever appropriated by one act, to unite the East and the West, the Atlantic and the Pacific coasts, by a material bond of social, commercial, and political union.

In this review we should see courage and cowardice, patriotism and selfishness, far-sighted wisdom and short-sighted folly joining in a struggle always desperate and sometimes doubtful; and yet, out of all this turmoil and fierce strife we should see the Union slowly but surely rising, with greater strength and brighter lustre, to a higher place among the nations.

Congress has always been and must always be the theatre of contending opinions; the forum where the opposing forces of political philosophy meet to measure their strength; where the public good must meet the assaults of local and sectional interests; in a word, the appointed place where the nation seeks to utter its thought and register its will.

CONGRESS AND THE EXECUTIVE.

This brings me to consider the present relations of Congress to the other great departments of the government, and to the people. The limits of this article will permit no more than a glance at a few principal heads of inquiry.

In the main, the balance of powers so admirably adjusted and distributed among the three great departments of the government have been safely preserved. It was the purpose of our fathers to lodge absolute power nowhere; to leave each department independent within its own sphere; yet, in every case, responsible for the exercise of its discretion. But some dangerous innovations have been made.

And first, the appointing power of the president has been seriously encroached upon by Congress, or rather by the members of Congress. Curiously enough, this encroachment originated in the act of the chief executive himself. The fierce popular hatred of the federal party, which resulted in the elevation of Jefferson to the presidency, led that officer to set the first example of removing men from office on account of political opinions. For political causes alone he removed a considerable number of officers who had recently been appointed by President Adams, and thus set the pernicious example. His immediate successors made only a few removals for political reasons. But Jackson made his political opponents who were in office feel the full weight of his executive hand. From that time forward, the civil offices of the government became the prizes for which political parties strove; and, twenty-five years ago, the corrupting doctrine that "to the victors belong the spoils" was shamelessly announced as an article of political faith and practice. It is hardly possible to state with adequate force the noxious influence of this doctrine. It was bad enough when the federal officers numbered no more than eight or ten thousand; but now, when the growth of the country, and the great increase in the number of public offices, occasioned by the late war, have swelled the civil list to more than eighty thousand, and to the ordinary motives for political strife this vast patronage is offered as a reward to the victorious party, the magnitude of the evil can hardly be measured. The public mind has, by degrees, drifted into an acceptance of this doctrine; and thus an election has become a fierce, selfish struggle between the "ins" and the "outs," the one striving to keep and the other to gain the prize of office. It is not possible for any president to select, with any degree of intelligence, so vast an army of

office-holders without the aid of men who are acquainted with the people of the various sections of the country. And thus it has become the habit of presidents to make most of their appointments on the recommendation of members of Congress. During the last twenty-five years, it has been understood, by the Congress and the people, that offices are to be obtained by the aid of senators and representatives, who thus become the dispensers, sometimes the brokers of patronage. The members of state legislatures who choose a senator, and the district electors who choose a representative, look to the man of their choice for appointments to office. Thus, from the president downward, through all the grades of official authority, to the electors themselves, civil office becomes a vast corrupting power, to be used in running the machine of party politics.

This evil has been greatly aggravated by the passage of the Tenure of Office Act, of 1867, whose object was to restrain President Johnson from making removals for political cause. But it has virtually resulted in the usurpation, by the senate, of a large share of the appointing power. The president can remove no officer without the consent of the senate; and such consent is not often given, unless the appointment of the successor nominated to fill the proposed vacancy is agreeable to the senator in whose State the appointee resides. Thus, it has happened that a policy, inaugurated by an early president, has resulted in seriously crippling the just powers of the executive, and has placed in the hands of senators and representatives a power most corrupting and dangerous.

Not the least serious evil resulting from this invasion of the executive functions by members of Congress is the fact that it greatly impairs their own usefulness as legislators. One third of the working hours of senators and representatives is hardly sufficient to meet the demands made upon them in reference to appointments to office. The spirit of that clause of the constitution which shields them from arrest "during their attendance on the session of their respective houses, and in going to and from the same," should also shield them from being arrested from their legislative work, morning, noon, and night, by office-seekers. To sum up in a word: the present system invades the independence of the executive, and makes him less responsible for the character of his appointments; it impairs the efficiency of the legislator by diverting him from his proper sphere of duty, and involving him in the intrigues of aspirants for office; it degrades the civil service itself by destroying the personal independence of those who are appointed; it repels from the service those high and manly qualities which are so necessary to a pure and efficient administration; and finally, it debauches the public mind by holding up public office as the reward of mere party zeal.

To reform this service is one of the highest and most imperative duties of statesmanship. This reform cannot be accomplished without a complete divorce between Congress and the executive in the matter of appointments. It will be a proud day when an administration senator or representative, who is in good standing in his party, can say as Thomas Hughes said, during his recent visit to this country, that though he was on the most intimate terms with the members of his own administration, yet it was not in his power to secure the removal of the humblest clerk in the civil service of his government.

This is not the occasion to discuss the recent enlargement of the jurisdiction of Congress in reference to the election of a president and vice-president by the States. But it cannot be denied that the electoral bill has spread a wide and dangerous field for congressional action. Unless the boundaries of its power shall be restricted by a new amendment of the constitution, we have seen the last of our elections of president on the old plan. The power to decide who has been elected may be so used as to exceed the power of electing.

I have long believed that the official relations between the executive and Congress should be more open and direct. They are now conducted by correspond-

ence with the presiding officers of the two houses, by consultation with committees, or by private interviews with individual members. This frequently leads to misunderstandings and may lead to corrupt combinations. It would be far better for both departments if the members of the cabinet were permitted to sit in Congress and participate in the debates on measures relating to their several departments, — but, of course, without a vote. This would tend to secure the ablest men for the chief executive offices; it would bring the policy of the administration into the fullest publicity by giving both parties ample opportunity for criticism and defense.

CONGRESS OVERBURDENED.

As a result of the great growth of the country and of the new legislation arising from the late war, Congress is greatly overloaded with work. It is safe to say that the business which now annually claims the attention of Congress is tenfold more complex and burdensome than it was forty years ago. For example: the twelve annual appropriation bills, with their numerous details, now consume two thirds of each short session of the house. Forty years ago, when the appropriations were made more in block, one week was sufficient for the work. The vast extent of our country, the increasing number of States and Territories, the legislation necessary to regulate our mineral lands, to manage our complex systems of internal revenue, banking, currency, and expenditure, have so increased the work of Congress that no one man can ever read the bills and the official reports relating to current legislation; much less can he qualify himself for intelligent action upon them. As a necessary consequence, the real work of legislation is done by the committees; and their work must be accepted or rejected without full knowledge of its merits. This fact alone renders leadership in Congress, in the old sense of the word, impossible. For many years we have had the leadership of committees and chairmen of committees; but no one man can any more be the leader of all the legislation of the senate or of the house than one lawyer or one physician can now be foremost in all the departments of law or medicine. The evils of loose legislation resulting from this situation must increase rather than diminish, until a remedy is provided.

John Stuart Mill held that a numerous popular assembly is radically unfit to *make good laws*, but is the best possible means of *getting good laws made*. He suggested, as a permanent part of the constitution of a free country, a legislative commission, composed of a few trained men, to draft such laws as the legislature, by general resolutions, shall direct, which draft shall be adopted by the legislature, without change, or returned to the commission to be amended.[1]

Whatever may be thought of Mr. Mill's suggestion, it is clear that some plan must be adopted to relieve Congress from the infinite details of legislation, and to preserve harmony and coherence in our laws.

Another change observable in Congress, as well as in the legislatures of other countries, is the decline of oratory. The press is rendering the orator obsolete. Statistics now furnish the materials upon which the legislator depends; and a column of figures will often demolish a dozen pages of eloquent rhetoric.

Just now, too, the day of sentimental politics is passing away, and the work of Congress is more nearly allied to the business interests of the country and to "the dismal science," as political economy is called by the "practical men" of our time.

CONGRESS AND THE PEOPLE.

The legislation of Congress comes much nearer to the daily life of the people than ever before. Twenty years ago, the presence of the national government was not felt by one citizen in a hundred. Except in paying his postage and receiving his mail, the citizen of the interior rarely came in contact with the national authority. Now, he meets it in a thou-

[1] Mill's Autobiography, pp. 26–45.

sand ways. Formerly the legislation of Congress referred chiefly to our foreign relations, to indirect taxes, to the government of the army, the navy, and the Territories. Now a vote in Congress may, any day, seriously derange the business affairs of every citizen.

And this leads me to say that now, more than ever before, the people are responsible for the character of their Congress. If that body be ignorant, reckless, and corrupt, it is because the people tolerate ignorance, recklessness, and corruption. If it be intelligent, brave, and pure, it is because the people demand those high qualities to represent them in the national legislature. Congress lives in the blaze of "that fierce light which beats against the throne." The telegraph and the press will to-morrow morning announce at a million breakfast tables what has been said and done in Congress to-day. Now, as always, Congress represents the prevailing opinions and political aspirations of the people. The wildest delusions of paper money, the crudest theories of taxation, the passions and prejudices that find expression in the senate and house, were first believed and discussed at the firesides of the people, on the corners of the streets, and in the caucuses and conventions of political parties.

The most alarming feature of our situation is the fact that so many citizens of high character and solid judgment pay but little attention to the sources of political power, to the selection of those who shall make their laws. The clergy, the faculties of colleges, and many of the leading business men of the community never attend the township caucus, the city primaries, or the county convention; but they allow the less intelligent and the more selfish and corrupt members of the community to make the slates and "run the machine" of politics. They wait until the machine has done its work, and then, in surprise and horror at the ignorance and corruption in public office, sigh for the return of that mythical period called the "better and purer days of the republic." It is precisely this neglect of the first steps in our political processes that has made possible the worst evils of our system. Corrupt and incompetent presidents, judges, and legislators can be removed, but when the fountains of political power are corrupted, when voters themselves become venal and elections fraudulent, there is no remedy except by awakening the public conscience and bringing to bear upon the subject the power of public opinion and the penalties of the law. The practice of buying and selling votes at our popular elections has already gained a foot-hold, though it has not gone as far as in England.

It is mentioned in the recent biography of Lord Macaulay, as a boast, that his three elections to the House of Commons cost him but ten thousand dollars. A hundred years ago, bribery of electors was far more prevalent and shameless in England than it now is.

There have always been, and always will be, bad men in all human pursuits. There was a Judas in the college of the apostles, an Arnold in the army of the Revolution, a Burr in our early politics; and they have had successors in all departments of modern life. But it is demonstrable, as a matter of history, that on the whole the standard of public and private morals is higher in the United States at the present time than ever before; that men in public and private stations are held to a more rigid accountability, and that the average moral tone of Congress is higher to-day than at any previous period of our history.[1] It is certainly true that our late war disturbed the established order of society, awakened a reckless spirit of adventure and speculation, and greatly multiplied the opportunities and increased the temptations to evil. The disorganization of the Southern States and the temporary

[1] On this point I beg to refer the reader to a speech delivered by Hon. George F. Hoar, in the House of Representatives, August 9, 1876, in which that distinguished gentleman said: "I believe there is absolutely less of corruption, less of maladministration, and less of vice and evil in public life than there was in the sixteen years which covered the administration of Washington, the administration of John Adams, and the first term of Jefferson." This assertion is maintained by numerous citations of unquestioned facts in the speech.

disfranchisement of its leading citizens threw a portion of their representation in Congress, for a short time, into the hands of political adventurers, many of whom used their brief hold on power for personal ends, and thus brought disgrace upon the national legislature. And it is also true that the enlarged sphere of legislation so mingled public duties and private interests that it was not easy to draw the line between them. From that cause also the reputation, and in some cases the character, of public men suffered eclipse. But the earnestness and vigor with which wrong-doing is everywhere punished is a strong guaranty of the purity of those who may hold posts of authority and honor. Indeed, there is now danger in the opposite direction, namely, that criticism may degenerate into mere slander, and put an end to its power for good by being used as the means to assassinate the reputation and destroy the usefulness of honorable men. It is as much the duty of all good men to protect and defend the reputation of worthy public servants as to detect and punish public rascals.

In a word, our national safety demands that the fountains of political power shall be made pure by intelligence, and kept pure by vigilance; that the best citizens shall take heed to the selection and election of the worthiest and most intelligent among them to hold seats in the national legislature; and that when the choice has been made, the continuance of their representative shall depend upon his faithfulness, his ability, and his willingness to work.

CONGRESS AND CULTURE.

In Congress, as everywhere else, careful study — thorough, earnest work — is the only sure passport to usefulness and distinction. From its first meeting in 1774 to its last in 1778, three hundred and fifty-four men sat in the Continental Congress. Of these, one hundred and eighteen — one third of the whole number — were college graduates. That third embraced much the largest number of those whose names have come down to us as the great founders of the republic. Since the adoption of the constitution of 1778, six thousand two hundred and eighteen men have held seats in Congress; and among them all, thorough culture and earnest, arduous work have been the leading characteristics of those whose service has been most useful and whose fame has been most enduring. Galloway wrote of Samuel Adams: "He drinks little, eats temperately, thinks much, and is most indefatigable in the pursuit of his objects." This description can still be fittingly applied to all men who deserve and achieve success anywhere, but especially in public life. As a recent writer has said, in discussing the effect of Prussian culture, so we may say of culture in Congress: "The lesson is, that whether you want him for war or peace, there is no way in which you can get so much out of a man as by training, not in pieces, but the whole of him; and that the trained men, other things being equal, are pretty sure, in the long run, to be masters of the world."

Congress must always be the exponent of the political character and culture of the people; and if the next centennial does not find us a great nation, with a great and worthy Congress, it will be because those who represent the enterprise, the culture, and the morality of the nation do not aid in controlling the political forces which are employed to select the men who shall occupy the great places of trust and power.

James A. Garfield.